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PATENT
Customer No. 22,852
Attorney Docket No. 07414.0036

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Allowed: January 20, 2004
Louis B. HOFF et al.)
Application No.: 09/964,778) Group Art Unit: 2877
Filed: September 28, 2001) Examiner: L. Lauchman
For: SHAPED ILLUMINATION)
GEOMETRY AND INTENSITY USING)
A DIFFRACTIVE OPTICAL ELEMENT)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPLICATION FOR PATENT TERM ADJUSTMENT

Applicants hereby apply for a patent term adjustment under 35 U.S.C. § 154(b) of one hundred eighty (180) days.

I. Statement of the Facts Involved

The Patent Term Adjustment History report compiled by the PTO and printed from PAIR identifies the events in the file and the associated delays causing an adjustment to the patent term.¹ A copy of the PTA report for this case is attached. Item 9 on the PTA report, which is dated March 15, 2002, shows an Applicant delay of 37

¹ Private PAIR was not accessible by applicants' representatives at the time the Notice of Allowance was received, but only became accessible subsequently. Accordingly, it was not possible at that time to use PAIR to determine the error described herein in the Office's term adjustment determination.

days for responding to the November 6, 2001, Notice to File Missing Parts. However, Applicants responded to the Notice to File Missing Parts on March 6, 2002, which is evident from items 7-8 and 11-12 on the PTA report. Thus, Applicants delay was only 28 days. Since the PTO delay of 208 days is correct, the correct Patent Term Adjustment should be 180 days ($208 - 28 = 180$) and not the 171 days reported by the Office with the January 20, 2004, Notice of Allowance.

II. Relevant Dates

1. The application (09/964,778) was filed September 28, 2001.
2. A Notice to File Missing Parts was mailed November 6, 2001 (PAIR entry 4).
3. A proper Response to Notice to File Missing Parts and Petition for a one month Extension of Time was filed on March 6, 2002, resulting in an Applicant delay of 28 days (PAIR entries 7-8, 11-12).
4. The first Office Action was mailed June 24, 2003, resulting in a PTO delay of 208 days beyond the 14 months provided by 35 U.S.C. § 154(b) (PAIR entry 16).
5. A Response to the Office Action was filed September 24, 2003. (No associated delay.) (PAIR entry 19.)
6. A Notice of Allowance, Notice of Allowability, and Determination of Patent Term Adjustment were mailed January 20, 2004. (No associated delay.) (PAIR entry 26.)
8. The issue fee and a Fee Address form were filed April 12, 2004. (No associated delay.) (PAIR entry 32.)

Thus, the total PTO delay was 208 days and the total Applicant delay was 28 days. Accordingly, Applicants are entitled to a patent term adjustment of 180 days.

Applicants respectfully request that the current patent term adjustment of 171 days be reconsidered, and that the additional 9 days of patent term adjustment erroneously deducted from the application on March 15, 2002, be reinstated to reflect a corrected total of 180 days of patent term adjustment due in this case.

III. Terminal Disclaimer

This application is not subject to a Terminal Disclaimer.

IV. Reasonable Efforts

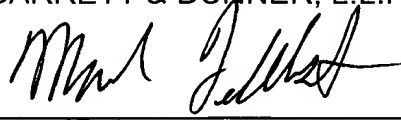
There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of U.S. Patent Application No. 09/964,778 as set forth in 37 C.F.R. § 1.704.

V. Fee

As required by 37 C.F.R. § 1.705(b)(1), this Application is accompanied by the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). If an extension of time is needed to enter this Application, or if the check is missing, or is drafted for an insufficient amount, Applicants hereby request such extension and authorize the Commissioner to charge the necessary amount to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 

Mark J. Feldstein
Reg. No. 46,693

Dated: April 27, 2004

Patent Term Adjustment (PTA) for publication number: 09/964,778			
			Days
Filing or 371(c) Date:	09-28-2001	USPTO Delay (PTO):	208
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	37
Post-Issue Petitions (days):	+0	Total PTA:	171
USPTO Adjustment (days):	+0	Explanation of Calculations	

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Patent Term Adjustment History				
Number	Date	Contents Description	PTO (days)	APPL (days)
26	01-20-2004	Mail Notice of Allowance		
25	01-12-2004	Issue Revision Completed		
24	01-12-2004	Notice of Allowance Data Verification Completed		
23	12-30-2003	Receipt of all Acknowledgement Letters		
22	12-22-2003	Notice of Allowability		
20	10-03-2003	Date Forwarded to Examiner		
19	09-24-2003	Response after Non-Final Action		
18	09-24-2003	Information Disclosure Statement (IDS) Filed		↑
17	03-07-2003	Information Disclosure Statement (IDS) Filed		↑
16	06-24-2003	Mail Non-Final Rejection	208	↑
15	06-16-2003	Non-Final Rejection	↑	↑
14	07-06-2002	Receipt of Acknowledgment Letter	↑	↑
13	04-14-2002	Case Docketed to Examiner in GAU	↑	↑
12	03-06-2002	Information Disclosure Statement (IDS) Filed	↑	↑
11	03-06-2002	Oath or Declaration Filed (Including Supplemental)	↑	↑
10	03-15-2002	Application Dispatched from OIPE	↑	↑
9	03-15-2002	Application Is Now Complete	↑	37
8	03-06-2002	Additional Application Filing Fees	↑	↑
7	03-06-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	↑	↑
6	02-05-2002	Receipt of Acknowledgment Letter	↑	↑
5	11-09-2001	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated	↑	↑
4	11-06-2001	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	↑
3	11-06-2001	Correspondence Address Change	↑	
2	10-05-2001	IFW Scan & PACR Auto Security Review	↑	
1	09-28-2001	Initial Exam Team nn	↑	